

CONGRESSIONAL RECORD SUMMARY

Friday, November 30, 2001

SENATE

Measures Introduced:

S. 1748. A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes; *read the first time.*

Gramm

Page S 12247

S. 1749. *A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.*

Kennedy

Pages S 12247-52

S. 1751. *A bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.*

Gramm

Pages S 12247, S 12255-9

See Page S 12258: SEC. 9. PROCEDURES FOR CIVIL ACTIONS.

(a) **Federal Cause of Action.**--There shall exist a Federal cause of action for property damage, personal injury, or death arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for claims for property damage, personal injury, or death arising out of or resulting from an act of terrorism. All State causes of action of any kind for property damage, personal injury, or death otherwise available arising out of or resulting from an act of terrorism, are hereby preempted, except as provided in subsection (f).

(b) **Governing Law.**--The substantive law for decision in an action for property damage, personal injury, or death arising out of or resulting from an act of terrorism under this section shall be derived from the law, including applicable choice of law principles, of the State, or States determined to be required by the district court assigned under subsection (c), unless such law is inconsistent with or otherwise preempted by Federal law.

(c) **Federal Jurisdiction.**--

(1) *In general.*--Notwithstanding any other provision of law, not later than 90 days after the occurrence of an act of terrorism, the **Judicial Panel on Multidistrict Litigation** shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for property damage, personal injury, or death arising out of or resulting from that act of terrorism.

(2) *Selection criteria.*--The **Judicial Panel on Multidistrict Litigation** shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.

(3) **Jurisdiction.**--The district court assigned by the **Judicial Panel on Multidistrict Litigation** shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the **Judicial Panel on Multidistrict Litigation** shall be deemed to sit in all judicial districts in the United States.

(4) *Transfer of cases filed in other federal courts.*--Any civil action for property damage, personal injury, or death arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the **Judicial Panel on Multidistrict Litigation** under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) *Removal of cases filed in state courts.*--Any civil action for property damage, personal injury, or death arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the **Judicial Panel on Multidistrict Litigation** under paragraph (1).

Measures Introduced (Cont'd.):

(d) Approval of Settlements.--Any settlement between the parties of a civil action described in this section for property damage, personal injury, or death arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation with the Attorney General.

(e) Limitation on Damages.--Punitive or exemplary damages shall not be available in any civil action subject to this section.

S. 1754. A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes; to the Committee on the Judiciary.

Leahy

Pages S 12247, S 12261-3

Nomination--Agreement:

A unanimous-consent-time agreement was reached providing for consideration of the nomination of *John P. Walters*, of Michigan, to be *Director of National Drug Control Policy*, with a vote on confirmation of the nomination to occur thereon.

Pages S 12271, D 1186

H.R. 2299. Department of Transportation Appropriations Conference Report-- Agreement:

A unanimous-consent-time agreement was reached providing for consideration of the conference report on **H.R. 2299**, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, upon consent of the Majority Leader, following consultation with the Republicans Leader, with a vote on adoption of the conference report to occur thereon.

Pages S 12272, D 1186

H.R. 10. Comprehensive Retirement Security and Pension Reform Act--Agreement:

A unanimous-consent-time agreement was reached providing for further consideration of **H.R. 10**, to provide for pension reform, at 4:45 p.m., on Monday, December 3, 2001, with a vote on a motion to close further debate on *Lott/Murkowski/Brownback Amendment No. 2171 (to Amendment No. 2170)*, to occur at 5:15 p.m.

Pages S 12273, D 1186

See Pages S 12270-1: Senate Amendment 2213 Offered by Senator Feinstein.

(f) Right of Action.--Nothing in this section shall be construed to give any individual or person a private right of action...

Nominations Received:

Senate received the following nominations:

Scott A. Abdallah, of South Dakota, to be *United States Attorney for the District of South Dakota* for the term of four years.

Thomas P. Colantuono, of New Hampshire, to be *United States Attorney for the District of New Hampshire* for the term of four years.

Harry E. Cummins III, of Arkansas, to be *United States Attorney for the Eastern District of Arkansas* for the term of four years.

Michael Taylor Shelby, of Texas, to be *United States Attorney for the Southern District of Texas* for the term of four years.

Pages S 12273, D 1186

Nominations Confirmed:

Senate confirmed the following nominations:

Thomas L. Sansonetti, of Wyoming, to be an *Assistant Attorney General*.

Edward Hachiro Kubo, Jr., of Hawaii, to be *United States Attorney for the District of Hawaii* for the term of four years.

Sheldon J. Sperling, of Oklahoma, to be *United States Attorney for the Eastern District of Oklahoma* for the term of four years.

David E. O'Meilia, of Oklahoma, to be *United States Attorney for the Northern District of Oklahoma* for the term of four years.

David R. Dugas, of Louisiana, to be *United States Attorney for the Middle District of Louisiana* for the term of four years.

James A. McDevitt, of Washington, to be *United States Attorney for the Eastern District of Washington*, for the term of four years.

Johnny Keane Sutton, of Texas, to be *United States Attorney for the Western District of Texas*, for the term of four years.

Richard S. Thompson, of Georgia, to be *United States Attorney for the Southern District of Georgia*, for the term of four years.

Pages S 12273-4, D 1186

Congressional Program Ahead. Week Of December 3 Through December 8, 2001:

Committee on Appropriations: 11/4/01 @ 9:00 a.m. Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to *examine issues concerning cloning*. SD-192.

Committee on Appropriations: 11/4/01 @ 10:00 a.m. Subcommittee on Defense, business meeting to mark up **H.R. 3338**, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002. SD-124.

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Committee on Governmental Affairs: 12/6/01 @ 9:30 a.m. Full Committee, to hold hearings to assess the vulnerability of United States seaports and whether the Federal Government is adequately structured to safeguard them. SD-342.

Committee on the Judiciary: 12/4/01 @ 10:00 a.m. & 2:00 p.m. *Full Committee, to resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism*. SD-226.

Committee on the Judiciary: 12/5/01 @ 10:00 a.m. *Full Committee, to hold hearings to examine the nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice*. SD- 226.

Committee on the Judiciary: 12/5/01 @ 1:30 p.m. Subcommittee on Youth Violence, to hold hearings to examine the future of the community oriented policing services program of the Department of Justice. SD-226.

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Congressional Program Ahead. Week Of December 3 Through December 8, 2001 (Cont'd.):

Committee on the Judiciary: 12/6/01 @ 10:00 a.m. *Full Committee, to resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism*. SD-106.

United States Senate Caucus on International Narcotics Control: 12/4/01 @ 2:30 p.m. To hold hearings to examine rave party promoters and club drugs. SR-385.

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Remarks:

Gun Show Background Check Act Of 2001, S. 767.

Reed

Pages S 12220-1

Railroad Retirement.

"...I urge my colleague, in every way I possibly can, to help us confirm Gene Scalia. Gene Scalia, who happens to be the son of Justice Scalia, was nominated by President Bush in April to be Solicitor for the Department of Labor--Secretary Chao's Department of Labor. [] There are two other nominees I urge my colleague to assist us with, two nominees for the court of appeals. One is Miguel Estrada, a Honduran native, Hispanic. When he came to the United States he couldn't even speak English and graduated in the top of his class at Harvard. He is an outstanding individual. We have letters of support on Miguel Estrada from everybody, prominent Democrats and others who say he will be an outstanding jurist. One other individual is John Roberts, Jr., who is also nominated to the Circuit Court of the District of Columbia. He argued, I think, 30-some-odd cases before the Supreme Court. He is an outstanding individual. Both of these individuals were nominated by President Bush in May and they have not even had a hearing. We have a lot of vacancies in the circuit court. The circuit courts are extremely important..."

Nickles

Pages S 12240-2

HOUSE

Bill Introduced:

H.R. 3387. A bill to amend the Fair Credit Reporting Act *to extend the limitation on actions*, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Terry

Page H 8746

H.R. 2299. Transportation Appropriations Conference Report:

The House agreed to the conference report on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 by a yeas and nays vote of 371 yeas to 11 nays, Roll No. 465.

Pages H 8734-40, D 1187

Earlier agreed to **H. Res. 299**, the rule that waived points of order against the conference report by voice vote.

Pages H 8733-4, D 1187

Joint Committee Meeting:

Conferees on Thursday, November 29, agreed to file a conference report on the differences between the Senate and House passed versions of **H.R. 2299**, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002.

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Congressional Program Ahead. Week Of December 3 Through December 8, 2001:

Committee on Government Reform, 12/5/01 @ 12:00 p.m. Hearing on “*The FBI's Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?*” 2154 Rayburn.

Committee on Government Reform, 12/5/01 @ 9:30 a.m. Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on “*Federal Law Enforcement: Long Term Implications of Homeland Security Needs.*” 2154 Rayburn.

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Committee on Government Reform, 12/5/01 @ 10:00 a.m. Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on “*The Debt Collection Improvement Act of 1996: How Well is it Working?*” 2244 Rayburn.

Pages D 1188-9

Committee on the Judiciary, 12/6/01 @ 1:00 p.m. Hearing on H.R. 3288, Fairness in Antitrust in National Sports (FANS) Act of 2001. 2141 Rayburn.

Committee on the Judiciary, 12/6/01 @ 10:00 a.m. Subcommittee on Commercial and Administrative Law and the Subcommittee on Courts, the Internet, and Intellectual Property, joint hearing on the Settlement Agreement by and among the United States of America, the FCC, NextWave Telecom, Inc., and certain affiliates, and Participating Auction 35 Winning Bidders. 2141 Rayburn.

Committee on Rules, 12/4/01 @ 5:30 p.m. To consider the following: Conference Report to accompany **H.R. 2506**, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002; and the Conference Report to accompany **H.R. 2944**, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002. H-313 Capitol.

Committee on Transportation and Infrastructure, 12/6/01 @ 10:00 a.m. Subcommittee on Coast Guard and Maritime Transportation, hearing on Port Security. 2167 Rayburn.

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Next SENATE MEETING: Monday, 1:00 p.m., December 3, 2001.

Next HOUSE MEETING: Tuesday, 12:30 p.m., December 4, 2001.

OLA: S. Schwarz (Smith)